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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation and Petition to
12 Revoke Probation Against:

13 **CARMEN STEVENSON**
2092 New York Route 7, Apt. 5
14 Troy, NY 12180

15 **Registered Nurse License No. 613342**

16 Respondent.

Case No. *2010-652*

**ACCUSATION AND PETITION TO
REVOKE PROBATION**

17 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Petition to Revoke Probation solely in her official capacity as
20 the Interim Executive Officer of the Board of Registered Nursing ("Board"), Department of
21 Consumer Affairs.

22 **LICENSE INFORMATION**

23 2. On or about February 7, 2003, the Board issued Registered Nurse License Number
24 613342 to Carmen Stevenson ("Respondent"). The license expired on March 31, 2004, and has
25 not been renewed.

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11. Respondent's probation is subject to revocation, in that she violated probation as set forth below:

FIRST CAUSE TO REVOKE PROBATION

(Residency or Practice Outside of State)

12. At all times after the effective date of Respondent's probation, Condition 4 stated: Periods of residency or practice as registered nurse outside of California will not apply to the reduction of this probation term. Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state.

13. Respondent's probation is subject to revocation for failing to comply with Probation Condition 4, referenced above, in that Respondent failed to notify the Board in writing within 15 days of the change in her residency or practice outside of the state.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking the probation that was granted by the Board of Registered Nursing in Case No. 2002-172, and imposing the disciplinary order that was stayed thereby revoking Registered Nurse License No. 613342, issued to Carmen Stevenson;

2. Revoking or suspending Registered Nurse License No. 613342, issued to Carmen Stevenson;

3. Ordering Carmen Stevenson to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

4. Taking such other and further action as deemed necessary and proper.

DATED: June 17, 2010

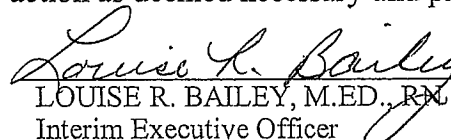

LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

EXHIBIT A

DECISION AND ORDER

BOARD OF REGISTERED NURSING CASE NO. 2002-172

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

CARMEN STEVENSON
105 Stark Street
Bennington, VT 05201

Respondent.

Case No. 2002-172

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on January 16, 2003.

It is so ORDERED December 17, 2002.

Sandra L. Erickson
FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 BILL LOCKYER, Attorney General
of the State of California
2 MARCIA A. FAY, State Bar No. 161614
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Facsimile: (916) 327-8643

6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Statement of Issues Against:

Case No. 2002-172

11 CARMEN STEVENSON
12 105 Stark Street
Bennington, VT 05201

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

13 Respondent.
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16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
17 above-entitled proceedings that the following matters are true:

18 PARTIES

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
20 the Board of Registered Nursing. She brought this action solely in her official capacity and is
21 represented in this matter by Bill Lockyer, Attorney General of the State of California, by Marcia
22 A. Fay, Supervising Deputy Attorney General.

23 2. Carmen Stevenson (Respondent) is representing herself in this proceeding
24 and has chosen not to exercise her right to be represented by counsel.

25 3. On or about April 18, 2001, the Board of Registered Nursing received an
26 Application for Licensure by Endorsement from Carmen Stevenson (Respondent).

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1 professional licensing agency is involved, and shall not be admissible in any other criminal or
2 civil proceeding.

3 CONTINGENCY

4 11. This stipulation shall be subject to approval by the Board of Registered
5 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the
6 Board of Registered Nursing may communicate directly with the Board regarding this stipulation
7 and settlement, without notice to or participation by Respondent. By signing the stipulation,
8 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
9 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
10 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall
11 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
12 between the parties, and the Board shall not be disqualified from further action by having
13 considered this matter.

14 12. The parties understand and agree that facsimile copies of this Stipulated
15 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
16 force and effect as the originals.

17 13. In consideration of the foregoing admissions and stipulations, the parties
18 agree that the Board may, without further notice or formal proceeding, issue and enter the
19 following Disciplinary Order:

20 DISCIPLINARY ORDER

21 IT IS HEREBY ORDERED that Respondent Carmen Stevenson's application for
22 licensure is hereby granted and a license shall be issued to respondent upon successful
23 completion of all licensing requirements. Said license shall immediately be revoked, the order of
24 revocation stayed and Respondent placed on three (3) years probation on the following terms and
25 conditions.

26 1. Obey All Laws. Respondent shall obey all federal, state and local laws.
27 A full and detailed account of any and all violations of law shall be reported by Respondent to
28 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of

1 compliance with this term, Respondent shall submit completed fingerprint cards and fingerprint
2 fees within 45 days of the effective date of the decision, unless previously submitted as part of
3 the licensure application process. Respondent shall submit a recent 2" x 2" photograph of
4 himself or herself within 45 days of the effective date of the final decision.

5 2. **Comply with Probation Program.** Respondent shall fully comply with
6 the terms and conditions of the Probation Program established by the Board and cooperate with
7 representatives of the Board in its monitoring and investigation of Respondent's compliance with
8 the Probation Program. Respondent shall inform the Board in writing within no more than 15
9 days of any address change and shall at all times maintain an active, current license status with
10 the Board, including during any period of suspension.

11 3. **Report in Person.** Respondent, during the period of probation, shall appear
12 in person at interviews/meetings as directed by the Board or its designated representatives.

13 4. **Residency or Practice Outside of State.** Periods of residency or practice
14 as a registered nurse outside of California will not apply to the reduction of this probationary
15 term. Respondent must provide written notice to the Board within 15 days of any change of
16 residency or practice outside the state.

17 5. **Submit Written Reports.** Respondent, during the period of probation,
18 shall submit or cause to be submitted such written reports/declarations and verification of actions
19 under penalty of perjury, as required by the Board. These reports/declarations shall contain
20 statements relative to Respondent's compliance with all the terms and conditions of the Board's
21 Probation Program. Respondent shall immediately execute all release of information forms as
22 may be required by the Board or its representatives.

23 **Provide Decision** - Respondent shall provide a copy of this decision to the
24 nursing regulatory agency in every state and territory in which she has a registered nurse license.

25 6. **Function as a Registered Nurse.** Respondent, during the period of
26 probation, shall engage in the practice of registered nursing in California for a minimum of 24
27 hours per week for 6 consecutive months or as determined by the Board.

28 For purposes of compliance with the section, "engage in the practice of registered

nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition.

7. Employment Approval and Reporting Requirements. Respondent shall obtain prior approval from the Board before commencing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this decision to her employer and immediate supervisor prior to commencement of any nursing or other health care related employment.

Respondent shall notify the Board in writing within seventy-two (72) hours after she obtains any nursing or other health care related employment, when such employment is not as a registered nurse. Respondent shall notify the Board in writing within seventy-two (72) hours after she is terminated from any registered nursing, other nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination.

8. Supervision. Respondent shall obtain prior approval from the Board regarding Respondent's level of supervision and/or collaboration before commencing any employment as a registered nurse.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative

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1 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
2 are approved.

3 Respondent's level of supervision and/or collaboration may include, but is not
4 limited to the following:

5 (a) Maximum - The individual providing supervision and/or collaboration is
6 present in the patient care area or in any other work setting at all times.

7 (b) Moderate - The individual providing supervision and/or collaboration is in
8 the patient care unit or in any other work setting at least half the hours Respondent works.

9 (c) Minimum - The individual providing supervision and/or collaboration has
10 person-to-person communication with Respondent at least twice during each shift worked.

11 (d) Home Health Care - If Respondent is approved to work in the home health
12 care setting, the individual providing supervision and/or collaboration shall have person-to-
13 person communication with Respondent as required by the Board each work day. Respondent
14 shall maintain telephone or other telecommunication contact with the individual providing
15 supervision and/or collaboration as required by the Board during each work day. The individual
16 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
17 site visits to patients' homes visited by Respondent with or without Respondent present.

18 9. **Employment Limitations.** Respondent shall not work for a nurse's
19 registry, in any private duty position as a registered nurse, a temporary nurse placement agency,
20 or for an in-house nursing pool.

21 Respondent shall not work for a licensed home health agency as a visiting nurse
22 unless the registered nursing supervision and other protections for home visits have been
23 approved by the Board. Respondent shall not work in any other registered nursing occupation
24 where home visits are required.

25 Respondent shall not work in any health care setting as a supervisor of registered
26 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
27 nurses and/or unlicensed assistive personnel on a case-by-case basis.

28 Respondent shall not work as a faculty member in an approved school of nursing

1 or as an instructor in a Board approved continuing education program.

2 Respondent shall work only on a regularly assigned, identified and predetermined
3 worksite(s) and shall not work in a float capacity.

4 If Respondent is working or intends to work in excess of 40 hours per week, the
5 Board may request documentation to determine whether there should be restrictions on the hours
6 of work.

7 10. **Complete a Nursing Course(s).** Respondent shall comply with the
8 appropriate requirement, as specified in the decision:

9 a) Respondent, at her own expense, shall enroll and successfully complete a
10 course(s) relevant to the practice of registered nursing no later than six months prior to the end of
11 her probationary term; or

12 Respondent shall obtain prior approval from the Board before enrolling in the
13 course(s). Respondent shall submit to the Board the original transcripts or certificates of
14 completion for the above required course(s). The Board shall return the original documents to
15 Respondent after photocopying them for its records.

16 11. **Violation of Probation.** If Respondent violates the conditions of her
17 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
18 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
19 license.

20 If during the period of probation, an accusation or petition to revoke probation has
21 been filed against Respondent's license or the Attorney General's Office has been requested to
22 prepare an accusation or petition to revoke probation against Respondent's license, the
23 probationary period shall automatically be extended and shall not expire until the accusation or
24 petition has been acted upon by the Board. Upon successful completion of probation,
25 Respondent's license will be fully restored.

26 12. **Physical Examination.** Within 45 days of the effective date of this
27 decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
28 physician assistant, who is approved by the Board before the assessment is performed, submit an

1 assessment of Respondent's physical condition and capability to perform the duties of a
2 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
3 medically determined, a recommended treatment program will be instituted and followed by
4 Respondent with the physician, nurse practitioner, or physician assistant providing written
5 reports to the Board on forms provided by the Board.

6 If Respondent is determined to be unable to practice safely as a registered nurse,
7 the licensed physician, nurse practitioner, or physician assistant making this determination shall
8 immediately notify the Probation Program and Respondent by telephone. Respondent shall
9 immediately cease practice and shall not resume practice until notified by the Probation Monitor.
10 During this period of suspension, Respondent shall not engage in any practice for which a license
11 issued by the Board is required until the Probation Monitor has notified Respondent that a
12 medical determination permits Respondent to resume practice.

13 13. **Participate in Treatment/Rehabilitation Program for Chemical**
14 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary
15 period or shall have successfully completed prior to commencement of probation a Board-
16 approved treatment/rehabilitation program of at least six months. As required, reports shall be
17 submitted by the program on forms provided by the Board. If Respondent has not completed a
18 Board-approved treatment/rehabilitation program prior to commencement of probation,
19 Respondent, within 45 days from the effective date of the decision, shall be enrolled in a
20 program. If a program is not successfully completed within the first nine months of probation,
21 the Board shall consider Respondent in violation of probation.

22 Based on Probation Program recommendation, each week Respondent shall be
23 required to attend at least one, but no more than five 12-step recovery meetings or equivalent
24 (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as
25 approved and directed by the Board. If a nurse support group is not available, an additional 12
26 step meeting or equivalent shall be added. Respondent shall submit dated and signed
27 documentation confirming such attendance to the Board during the entire period of probation.
28 Respondent shall continue with the recovery plan recommended by the treatment/rehabilitation

1 program or a licensed mental health examiner and/or other ongoing recovery groups.

2 14. **Abstain from Use of Psychotropic (Mood-altering) Drugs.** Respondent
3 shall completely abstain from the possession, injection or consumption by any route of all
4 psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a
5 health care professional legally authorized to do so and are part of documented medical
6 treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by
7 the prescribing physician or dentist, a report identifying the medication, dosage, the date the
8 medication was prescribed, Respondent's prognosis, the date the medication will no longer be
9 required, and the effect on the recovery plan, if appropriate.

10 Respondent shall identify for the Board a single physician, nurse practitioner or
11 physician assistant who shall be aware of Respondent's history of substance abuse and will
12 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled
13 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
14 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
15 condition. If any substances considered addictive have been prescribed, the report shall identify a
16 program for the time limited use of any such substances.

17 The Board may require the single coordinating physician, nurse practitioner, or
18 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
19 addictive medicine.

20 15. **Submit to Tests and Samples.** Respondent, at her expense, shall
21 participate in a random, biological fluid testing or a drug screening program which the Board
22 approves. The length of time and frequency will be subject to approval by the Board.
23 Respondent is responsible for keeping the Board informed of Respondent's current telephone
24 number at all times. Respondent shall also ensure that messages may be left at the telephone
25 number when she is not available and ensure that reports are submitted directly by the testing
26 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
27 to the Board by the program and Respondent shall be considered in violation of probation.

28 In addition, Respondent, at any time during the period of probation, shall fully

1 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
2 tests and samples as the Board or its representatives may require for the detection of alcohol,
3 narcotics, hypnotics, dangerous drugs, or other controlled substances.

4 If Respondent has a positive drug screen for any substance not legally authorized
5 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
6 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent
7 from practice pending the final decision on the petition to revoke probation or the accusation.

8 16. **Mental Health Examination.** Respondent shall, within 45 days of the
9 effective date of this decision, have a mental health examination including psychological testing
10 as appropriate to determine her capability to perform the duties of a registered nurse. The
11 examination will be performed by a psychiatrist, psychologist or other licensed mental health
12 practitioner approved by the Board. The examining mental health practitioner will submit a
13 written report of that assessment and recommendations to the Board. All costs are the
14 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
15 result of the mental health examination will be instituted and followed by Respondent.

16 If Respondent is determined to be unable to practice safely as a registered nurse,
17 the licensed mental health care practitioner making this determination shall immediately notify
18 the Probation Program and Respondent by telephone. Respondent shall immediately cease
19 practice and may not resume practice until notified by the Probation Monitor. During this period
20 of suspension, Respondent shall not engage in any practice for which a license issued by the
21 Board is required, until the Probation Monitor has notified Respondent that a mental health
22 determination permits Respondent to resume practice.

23 17. **Therapy of Counseling Program** - Respondent, as her expense, shall
24 participate in an on-going counseling program until such time as the Board releases her from this
25 requirement and only upon the recommendation of the counselor. Written progress reports from
26 the counselor will be required at various intervals.

27 18. **Severability Clause** - Each term and condition of probation contained
28 herein is a separate and distinct term and condition. If any term and condition of this Order, or

1 any application thereof, is declared unenforceable in whole, in part, or to any extent, the
2 remainder of this Order, and all other applications thereof, shall not be affected. Each term and
3 condition of this Order shall separately be valid and enforceable to the fullest extent permitted by
4 law.

5 ACCEPTANCE

6 I have carefully read the Stipulated Settlement and Disciplinary Order. I
7 understand the stipulation and the effect it will have on my Registered Nurse License application.
8 I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and
9 intelligently, and agree to be bound by the Decision and Order of the Board of Registered
10 Nursing.

11 DATED: 9/4/02

12
13 Carmen Stevenson
14 CARMEN STEVENSON
15 Respondent

16
17 ENDORSEMENT

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
19 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
20 Affairs.

21 DATED: 9/9/02

22 BILL LOCKYER, Attorney General
23 of the State of California

24 Marcia A. Fay
25 MARCIA A. FAY
26 Supervising Deputy Attorney General
27 Attorneys for Complainant

EXHIBIT A

STATEMENT OF ISSUES

BOARD OF REGISTERED NURSING CASE NO. 2002-172

1 BILL LOCKYER, Attorney General
of the State of California
2 MARCIA A. FAY, State Bar No. 161614
Supervising Deputy Attorney General
3 California Department of Justice
1300 I Street, Suite 125
4 P.O. Box 944255
Sacramento, CA 94244-2550
5 Telephone: (916) 445-1989
Facsimile: (916) 327-8643

6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Statement of Issues Against:

Case No. 2002-172

11 **CARMEN STEVENSON**
12 105 Stark Street
Bennington, VT 05201

STATEMENT OF ISSUES

13 Applicant/Respondent.
14

15 Complainant alleges:

16 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this statement of
17 issues solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
18 Department of Consumer Affairs.

19 **STATUTORY PROVISIONS**

20 2. Section 2736 of the Business and Professions Code ("Code") provides that
21 the Board of Registered Nursing ("Board") may deny a license when it finds that the applicant
22 has committed any acts constituting grounds for denial of licensure under section 480 of the
23 Code.

24 3. Section 480 of the Code provides in part:

25 "(a) A board may deny a license regulated by this code on the grounds
26 that the applicant has one of the following:

27 ///

28 ///

1 “(1) Been convicted of a crime. A conviction within the meaning
2 of this section means a plea or verdict of guilty or a conviction following a plea of nolo
3 contendere. Any action which a board is permitted to take following the establishment of a
4 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
5 been affirmed on appeal, or when an order granting probation is made suspending the imposition
6 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
7 Penal Code.

8 “(2) Done any act involving dishonesty, fraud or deceit with the
9 intent to substantially benefit himself or another, or substantially injure another....”

10 4. Section 2761 of the Code states:

11 “The board may take disciplinary action against a certified or licensed
12 nurse or deny an application for a certificate or license for any of the following:

13 “(a) Unprofessional conduct, which includes, but is not limited to,
14 the following:

15 “.....

16 “(4) Denial of licensure, revocation, suspension,
17 restriction, or any other disciplinary action against a health care professional license or certificate
18 by another state or territory of the United States, by any other government agency, or by another
19 California health care professional licensing board. A certified copy of the decision or judgment
20 shall be conclusive evidence of that action.”

21 “.....

22 “(f) Conviction of a felony or of any offense substantially related
23 to the qualifications, functions, and duties of a registered nurse, in which event the record of the
24 conviction shall be conclusive evidence thereof.”

25 5. California Code of Regulations, Title 16, section 1444, states, in pertinent
26 part, that a crime or act shall be considered to be substantially related to the qualifications,
27 functions or duties of a registered nurse if to a substantial degree it evidences present or potential
28 unfitness of a registered nurse to perform the functions authorized by his/her license in a manner

1 consistent with the public health, safety, or welfare.

2 DRUGS

3 6. "Demerol" is a brand of meperidine hydrochloride, a derivative of
4 pethidine, and is a Schedule II controlled substance as designated by Health and Safety Code
5 section 11055(c)(17).

6 APPLICATION FOR LICENSURE

7 7. On or about April 18, 2001, the Board received an Application for
8 Licensure by Endorsement from Carmen Stevenson (hereinafter "Applicant/Respondent"). On
9 April 16, 2001, Applicant/Respondent certified under penalty of perjury that the information
10 contained in the application was true and correct.

11 FIRST GROUND FOR DENIAL OF LICENSURE

12 (Out-of-State Discipline)

13 8. Grounds exists to deny Applicant/Respondent's application for licensure
14 under section 2761(a)(4) of the Code in that on or about May 12, 1999, pursuant to the
15 Stipulation and Order of the State of Vermont Board of Nursing in Case No. NU66-0698,
16 Applicant/Respondent's Vermont registered nurse license was reprimanded. Based on the terms
17 of the stipulation, Applicant/Respondent admitted that on or about June 1, 1998, she failed to
18 immediately and properly dispose of an excess dosage of a regulated drug by following the
19 proper procedures. Instead, Applicant/Respondent placed the medication in her pocket and later
20 gave it to another nurse for disposition. Applicant/Respondent actions constituted unprofessional
21 conduct pursuant to 26 V.S.A. section 1582(a)(3) (unable to practice nursing competently by
22 reason of any cause).

23 SECOND GROUND FOR DENIAL OF LICENSURE

24 (Out-of-State Discipline)

25 9. Grounds exists to deny Applicant/Respondent's application for licensure
26 under section 2761(a)(4) of the Code in that on or about April 11, 2000, pursuant to the
27 Stipulation and Order of the State of Vermont Board of Nursing in Case No. NU36-0200,
28 Applicant/Respondent's Vermont registered nurse license was summarily suspended indefinitely

1 on grounds that the public health, safety, or welfare of the State of Vermont imperatively
2 required emergency action by the State of Vermont Board of Nursing pending the resolution of
3 outstanding criminal charges against Applicant/Respondent. On or about July 11, 2000, pursuant
4 to the Stipulation and Order of the State of Vermont Board of Nursing in Case No. NU36-0200,
5 the license was suspended for a period of six months, continuing until at least January 10, 2001.
6 Under the terms of the stipulation, Applicant/Respondent admitted that on or about January 15,
7 2000, she diverted for her own use a controlled substance, to wit: Demerol, from the
8 Southwestern Vermont Health Care Pyxis machine. Respondent also admitted to a substance
9 abuse problem, and that the above described conduct constituted unprofessional conduct. On or
10 about March 16, 2001, Applicant/Respondent's petition for reinstatement of the license was
11 approved and the license was ordered reinstated on terms and conditions. On or about November
12 7, 2001, the terms and conditions of reinstatement were modified.

13 THIRD GROUND FOR DENIAL OF LICENSURE

14 (Conviction of Crime)

15 10. Grounds exists to deny Applicant/Respondent's application for licensure
16 under sections 480(a)(1) and 2761(f) of the Code in that on or about July 7, 2000, she was
17 convicted by the court upon her plea of guilty of violating Title 18, Vermont Statute, section
18 4234(a)(1) (possession of narcotic drugs), in Vermont District Court (Unit 2, Bennington
19 Circuit), Case No. 459-4-00, entitled State v. Carmen Stevenson.

20 11. The circumstances of the conviction are substantially related to the
21 qualifications, functions or duties of a registered nurse, as defined by Title 16, California Code
22 of Regulations, section 1444, in that it evidences to a substantial degree a present or potential
23 unfitness on the part of Applicant/Respondent to perform the functions authorized by the
24 license in a manner consistent with the public health, safety, or welfare when, on or about
25 January 15, 2000, Applicant/Respondent knowingly and unlawfully possessed a depressant,
26 stimulant or narcotic drug, other than heroin or cocaine (Demerol).

27 ///

28 ///

1 ///

2 FIFTH GROUND FOR DENIAL OF LICENSURE

3 (Commission of a Dishonest, Fraudulent, or Deceitful Act)

4 12. Grounds exists to deny Applicant/Respondent's application for licensure
5 under sections 480(a)(2) of the Code in that, as set forth under paragraph 9 above, she has
6 committed an act involving dishonesty, fraud or deceit.

7 PRAYER

8 **WHEREFORE**, Complainant requests that a hearing be held on the matters
9 herein alleged, and that following the hearing the Board issue a decision:

- 10 1. Denying the application of Carmen Stevenson;
11 2. Taking such other and further action as deemed necessary and proper.

12

13

DATED: 6/18/02

14

15

16



17

RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

18

19

20

21

22

23

24

25

26

27

28

Exhibit B
Original Vote and Order

5:58



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12230

OFFICE OF THE PROFESSIONS
DIVISION OF PROFESSIONAL LICENSING SERVICES
Public Information Unit
Tel. (518) 474-3817 EXT: 330
Fax (518) 473-0578
E-mail: DPLSDSU@MAIL.NYSED.GOV

STATE OF NEW YORK)

SS:

COUNTY OF ALBANY)

In accordance with the Civil Practice Law and Rules Article 45, I, Connie F. Mitchell, Clerk II in the Division of Professional Licensing Services of the New York State Education Department, have caused this certificate to be prepared. I certify that I have legal custody of the official original records of the Division of Professional Licensing Services and I attest that the attached are true and correct copies of the original documents in our files relating to CARMEN STEVENSON.

Witness my hand and the seal of the New York State Education Department this 17 December,



Connie F. Mitchell

Connie F. Mitchell, Clerk II
Professional Licensing Services



W 5:38

TD



The University of the State of New York

IN THE MATTER

OF

CARMEN STEVENSON
(Registered Professional Nurse)

ORIGINAL
VOTE AND ORDER
NO. 23049

Upon the application of CARMEN STEVENSON, under Calendar No. 23049, which application is made a part hereof, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (June 26, 2007): That the application of CARMEN STEVENSON, respondent, for a consent order be granted; and that the Associate Commissioner for the Professions be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote;

and it is

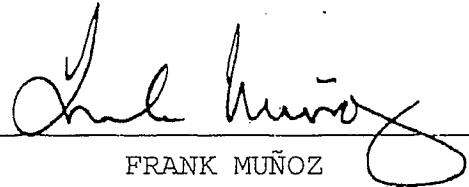
ORDERED: That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof are hereby adopted and SO ORDERED, and it is further

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or five days after mailing by certified mail.

2007 JUN 26 11:31

CARMEN STEVENSON (23049)

IN WITNESS WHEREOF, I, Frank Muñoz,
Associate Commissioner for the
Professions, for and on behalf of the
State Education Department and the
Board of Regents, do hereunto set my
hand, at the City of Albany, this
26th day of June, 2007.

A handwritten signature in cursive script, appearing to read "Frank Muñoz", is written over a horizontal line.

FRANK MUÑOZ
ASSOCIATE COMMISSIONER
FOR THE PROFESSIONS

JUN 28 2007

ED

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL DISCIPLINE
STATE BOARD FOR NURSING

-----X

IN THE MATTER

of the

Disciplinary Proceeding

against

CARMEN STEVENSON

who is currently licensed to practice
as a registered professional nurse
in the State of New York.

-----X

APPLICATION FOR
CONSENT ORDER

CAL. NO. 23049

CARMEN STEVENSON states:

That on or about October 20, 1994 I was licensed to practice as a registered professional nurse in the State of New York, having been issued license number 467326 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice as a registered professional nurse in the State of New York. I was last registered from an address at 8 Lord Avenue, Troy, New York 12180.

That I have been charged with one (1) specification of professional misconduct, a copy of which is annexed hereto, made a part hereof, and marked as Exhibit "A."

67 5:38

ED

CARMEN STEVENSON

I admit guilt to the aforesaid specification of professional misconduct, charging me with practicing as a registered professional nurse with negligence on more than one occasion (medication administration errors).

I hereby agree to the penalty that my license to practice as a registered professional nurse be suspended for a period of two (2) years; that execution of the last fifteen (15) months of said suspension be stayed; and that I be placed on probation for a period of two (2) years, under the terms set forth in the exhibit annexed hereto, made a part hereof, and marked as Exhibit "B."

I hereby make this application to the Board of Regents and request that it be granted.

I understand that in the event that the Board of Regents denies the application, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me. Such application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the disciplinary proceeding, and such denial by the Board of Regents shall be without prejudice to the continuance of the disciplinary proceeding and the final determination by the Board of Regents pursuant to the provisions of the Education Law.

CARMEN STEVENSON

I agree that in the event the Board of Regents grants my application, as set forth herein, an Order may be issued in accordance with the same. I understand that if and when the Board of Regents grants this application, the entire application shall become a matter of public record.

No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

Carmen Stevenson
Respondent

EXHIBIT "A"

CARMEN STEVENSON

SPECIFICATION OF PROFESSIONAL MISCONDUCT

Respondent is charged with practicing the profession of nursing with negligence on more than one occasion within the purview and meaning of New York Education Law section 6509(2), in that Respondent:

While employed and on duty as a registered professional nurse at Seton Health in Troy, New York:

1. In or about March 3, 2005, failed to administer the non-controlled substance Imodium to a patient (U.A.) when the patient had several documented loose stools.
2. In or about April 1, 2005, administered the controlled substance Demerol and the non-controlled substances, Phenergan and Protonics to a patient (A.A.) that were intended for another patient.
3. In or about April 12, 2005, wasted a quantity of the controlled substance Demerol and failed to obtain a witness to said wasting.

EXHIBIT "B"

TERMS OF PROBATION

CARMEN STEVENSON

CALENDAR NO. 23049

1. That Respondent, during the period of probation, shall be in compliance with the standards of conduct prescribed by the law governing Respondent's profession;
2. That Respondent shall submit written notification to the New York State Education Department, addressed to the Director, Office of Professional Discipline, New York State Education Department, 475 Park Avenue South -- Second Floor, New York, New York 10016-6901, of any employment and/or practice, Respondent's residence, telephone number, or mailing address, and of any change in Respondent's employment, practice, residence, telephone number, or mailing address within or without the State of New York;
3. That Respondent shall, within the first nine (9) months of the probationary period, at Respondent's expense, submit and successfully complete a plan of continuing education, consisting of NYSNA Medicine Administration Course, to update the knowledge and skills of Respondent, said plan to have the prior written approval of the New York State Education Department; and shall submit written proof of such successful completion within 30 days after the completion of the plan to the New York State Education Department, addressed to the Director, Office of Professional Discipline, as aforesaid;
4. That during the first nine months of the period of suspension and the first nine months of the period of probation Respondent shall not practice, offer to practice, or hold herself out as being able to practice as a licensed practical nurse in the State of New York;
5. That Respondent may resume the practice of the aforementioned profession immediately following execution of the first nine months of the twenty four (24) month period of suspension;
6. That Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from

CARMEN STEVENSON
CALENDAR NO. 23049

DPLS to be submitted by Respondent to the NYSED, addressed to the Director, Office of Professional Discipline, as aforesaid, no later than the first three months of the period of probation;

7. That Respondent shall submit written proof to the NYSED, addressed to the Director, Office of Professional Discipline, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board of Regents, said proof of the above to be submitted no later than the first two months of the period of probation;
8. That Respondent shall make quarterly visits to an employee of the Office of Professional Discipline, New York State Education Department, unless otherwise agreed to by said employee, for the purpose of said employee monitoring Respondent's terms of probation to assure compliance therewith, and Respondent shall cooperate with said employee, including the submission of information requested by said employee, regarding the aforesaid monitoring;
9. That upon receipt of evidence of noncompliance with or any other violation of any of the aforementioned terms of probation, the New York State Education Department may initiate a violation of probation proceeding and/or such other proceedings pursuant to the Education Law and/or Rules of the Board of Regents.

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL DISCIPLINE
STATE BOARD FOR NURSING

-----X

IN THE MATTER

of the

Disciplinary Proceeding

against

CARMEN STEVENSON

APPLICATION FOR
CONSENT ORDER

CAL. NO. 23049

who is currently licensed to practice
as a registered professional nurse
in the State of New York.

-----X
The undersigned agree to the above statement and to the
proposed penalty based on the terms and conditions thereof.

Dated: March 14 , 2007

Carmen Stevenson
Respondent

Dated: March 8 , 2007

Herrell
Attorney for Respondent

Dated: March 20 , 2007

Rena L. Aggen RN
Member of the State Board
for Nursing

Dated: 4/17 , 2007

Russ Hulse
Director
Office of Professional Discipline

The undersigned, a member of the Board of Regents who has
been designated by the Chairman of the Regents Committee on
Professional Practice to review this Application for a Consent
Order, has reviewed said Application and recommends to the Board
of Regents that the Application be granted.

Dated: 4/17 , 2007

Paul B. Cohen
Member, Board of Regents

WR/gjt



The University of the State of New York

IN THE MATTER

OF

CARMEN STEVENSON

(REGISTERED PROFESSIONAL NURSE)

STATE OF NEW YORK)

SS.:

COUNTY OF ALBANY)

Michael A. Kinley being duly sworn, deposes and says:

I am over the age of twenty-one years and am an employee of the New York State Education Department, Office of Professional Discipline, 80 Wolf Road, Suite 204, Albany, New York 12205-2643.

On the 5th day of July, 2007, I personally delivered to the Stuyvesant Plaza Post Office the Duplicate Original Vote of the Board of Regents and Order under Calendar No. 23049, and the Report of the Regents Review Committee or Application for Consent or Surrender, or Report of the designated Regent in a summary suspension proceeding as applicable, by Certified Mail - Return Receipt Requested to the respondent herein named at 400 Brunswick Drive, Bldg. 6 - Apt. 8, Troy, New York 12180 & Lauren Snyder, Esq., Thuillez, Ford, Gold, Johnson & Butler, 20 Corporate Woods Blvd., 6th Floor, Albany, New York 12211.

Certified Mail Receipt No. 70020860000514581505802

The effective date of the Order being the 10th day of July, 2007.

Sworn to before me this

5th day of July, 2007.

Elizabeth A. Blest
ELIZABETH A. BLEST

NOTARY PUBLIC, STATE OF NEW YORK

REG. NO. 01BL6037347

QUALIFIED IN ALBANY COUNTY

COMMISSION EXPIRES FEB. 14, 2010

2. A
(1)

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

23049 - Stevenson, R.N.

5210

A. Signature ☒ Agent ☐ Addressee

B. Received by (Printed Name) C. D. Butler

C. Date of Delivery 2/6/07

D. Is delivery address different from item 1? ☐ Yes ☐ No

If YES, enter delivery address below:

3. Service Type

☒ Certified Mail ☐ Express Mail

☐ Registered ☐ Return Receipt for Merchandise

☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☒ Yes

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
2. Article Number (Transfer from service label)
- PS Form 3811, February 2004

Lauren Snyder, Esq.
Thuillez, Ford, Gold,
Johnson & Butler
20 Corporate Woods Blvd.,
6th Floor
Albany, New York 12211

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee

B. Received by (Printed Name) C. D. Butler

C. Date of Delivery 2/6/07

D. Is delivery address different from item 1? ☐ Yes ☐ No

If YES, enter delivery address below:

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
2. Article Number (Transfer from service label)
- PS Form 3811, February 2004

Carmen Stevenson, R.N.
400 Brunswick Drive
Bldg. 6 - Apt. 8
Troy, New York 12180

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

5185 4159 0000 0980 2002

23049 Postage \$ 1.31

Certified Fee 2.65

Return Receipt Fee (Endorsement Required) 2.15

Restricted Delivery Fee (Endorsement Required) 4.10

Total Postage & Fees \$10.21

Postmark
Here

Sent To

Carmen Stevenson, R.N.

Street, Apt. No., or PO Box No. 400 Brunswick Drive

City, State, ZIP+4 Bldg. 6 - Apt. 8

Troy, New York 12180

PS Form 3800, April 2002

See Reverse for Instructions

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

2285 4159 0000 0980 2002

23049 Postage \$ 1.31

Certified Fee 2.65

Return Receipt Fee (Endorsement Required) 2.15

Restricted Delivery Fee (Endorsement Required) 4.10

Total Postage & Fees \$10.21

Postmark
Here

Sent To Lauren Snyder, Esq.

Thuillez, Ford, Gold, Johnson & Butler

Street, Apt. No., or PO Box No. 20 Corporate Woods Blvd., 6th Floor

City, State, ZIP+4 Albany, New York 12211

PS Form 3800, April 2002

See Reverse for Instructions